

JOURNAL OF THE HOUSE.

Monday, July 28, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Appointment to Home Heating Cost Task Force.

The Minority Leader announced that he had appointed Representative Hill of Ipswich to serve as his appointee to the Executive Task Force to Examine Home Heating Costs in Winter Months.

Resolutions.

Resolutions (filed with the Clerk by Mr. Golden of Lowell) congratulating Charles T. Martel on the occasion of his retirement, were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Walsh of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted by a unanimous vote.

Petition.

Mr. Murphy of Weymouth presented a petition (subject to Joint Rule 12) of James M. Murphy for legislation to establish a sick leave bank for Christine Burns Clark, an employee of the Department of Public Health; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Ms. Provost of Somerville, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Papers from the Senate.

A Bill conveying certain property in the city of Worcester to Community Healthlink, Inc. (Senate, No. 2838) (on Senate bill No. 37), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Bills

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Further regulating school improvement plans (Senate, No. 276, amended in section 2, in lines 16, 17 and 18, striking out the sentence contained therein and inserting in place thereof the following sentence: "Action to approve, disapprove, modify or amend the school improvement plans shall be completed not later than July 1 of the year in which the plan is to be implemented; otherwise the plan shall be considered approved.".) (on a petition);

Relative to the effective enforcement of municipal ordinances and by-laws (Senate, No. 1158) (on a petition);

Prohibiting the use of chain link basketball nets in public parks, playgrounds and recreation centers (Senate, No. 1419) (on a petition);

Designating a certain portion of land in the town of in Barre as Trifilo Square (Senate, No. 2039) (on a petition);

Designating the community colleges collectively as the Governor Foster Furcolo Community Colleges (Senate, No. 2581) (on Senate, No. 719 and House, No. 1189);

Designating a certain education center on Chickatawbut Hill in Milton as the Norman Smith Environmental Education Center at Chickatawbut Hill (Senate, No. 2720) (on a petition); and

Relative to the appointment of the chief of the fire department in the town of Marblehead (Senate, No. 2842) (on Senate bill No. 2758) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2845) of Stanley C. Rosenberg and Peter V. Kocot for legislation relative to leasing a certain parcel of land in the city of Northampton. To the committee on Bonding, Capital Expenditures and State Assets.

Petition (accompanied by bill, Senate, No. 2846) of Robert A. Antonioni, Jennifer L. Flanagan, Robert L. Rice and Stephen L. DiNatale for legislation to designate the Fitchburg District Courthouse as the Gelinas Courthouse. To the committee on Judiciary.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of James R. Miceli relative to the demolition, removal and site cleanup of abandoned houses at the Tewksbury State Hospital. To the committee on Bonding, Capital Expenditures and State Assets.

Joint petition (accompanied by bill) of Geoffrey D. Hall and Pamela P. Resor that members of the armed forces from the Commonwealth be exempt from payment of a fee for the issuance of fishing licenses. To the committee on Environment, Natural Resources and Agriculture.

Joint petition (accompanied by bill) of Garrett J. Bradley and Robert L. Hedlund for legislation to define "medium speed electric vehicles" and providing for the licensing and operation of such vehicles in the Commonwealth. To the committee on Transportation.

Petition (accompanied by bill) of Garrett J. Bradley relative to the benefits payable to certain veterans of the armed forces. To the committee on Veterans and Federal Affairs.

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Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Resolve providing for an investigation and study by a study a special commission relative to the licensing of docking pilots (Senate, No. 2770, amended),- - and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Municipalities and Regional Government to make an investigation and study of certain House documents concerning dangerous dogs and other related matters (House, No. 4987) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1948) of Bradford Hill relative to potentially dangerous and vicious dogs,- - and recommending that the same be recommitted to the committee on Municipalities and Regional Government. Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4607) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2682) of Eugene L. O'Flaherty relative to the retirement of certain employees of the Massachusetts Water Resources Authority,- - and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a recommitted petition, a Bill relative to impaired drivers (House, No. 2332, changed in line 21, by striking out the word "shall" and inserting in place thereof the word "may"). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, that the Resolve providing for an investigation and study by a special commission relative to the impact of undocumented aliens residing in the Commonwealth (House, No. 3869, changed) ought to pass. Referred, under Rule 33, to the committees on Ways and Means.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill relative to district improvement financing (printed as Senate, No. 131) be scheduled for consideration by the House with an amendment previously recommended by the committee on Housing (House, No. 5003) pending.

By the same member, for the same committee, that the Bill to protect the Massachusetts pension fund from the risks of investment in Iran (House, No. 4270) be scheduled for consideration by the House with an amendment previously recommended by the committee on Ways and means (House, No. 4970) pending.

By the same member, for the same committee, that the Bill relative to illegal parking in bus stops (House, No. 4314) be scheduled for consideration by the House with an amendment previously recommended by the committee on Ways and Means (House, No. 4524) and the amendment previously recommended by the committee on Municipalities and Regional Government (House, No. 4891) also pending.

By the same member, for the same committee, that the Bill to require producer responsibility for collection and recycling of discarded electronic products (House, No. 4570) be scheduled for

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consideration by the House with an amendment previously recommended by the committee on Ways and Means (House, No. 4991) pending.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading with the amendments pending.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Requiring additional information to be included in an individual education program for a student with disabilities (Senate, No. 311);

Authorizing the town of Harvard to place a certain question relative to property tax exemptions for affordable accessory apartments on the town's election ballot (Senate, No. 2233) [Local Approval Received];

Authorizing a certain transfer of funds in the town of Kingston (Senate, No. 2690) [Local Approval Received]; and

Relative to public health regionalization (Senate, No. 2784); and

House bills

Relative to the Middlesex Canal Commission (House, No. 813);

Exempting certain properties in the town of Braintree from the deleading laws (House, No. 4238) [Local Approval Received];

Relative to controlled substances (House, No. 4434);

Relative to the diagnosis, service and repair of motor vehicles in the Commonwealth (House, No. 4892);

Relative to the town of Sandwich and the lease of property at the Sandwich High School (House, No. 4942); and

To remove the department of finance in the town of Upton (House, No. 4976) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Binienda of Worcester, for the committee on Revenue, on a joint petition, a Bill relative to betterments in the town of Dracut (House, No. 4999) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the recommitted Bill to prevent the sharing of prescription data (House, No. 1005) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with certain amendments previously recommended by the committee on Financial Services pending.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill establishing a group insurance liability fund in the town of Westwood (House, No. 4840) ought to pass [Local Approval Received]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Rodrigues of Westport, for the committee on Consumer Protection and Professional Licensure, on a joint petition, a Bill authorizing the town of Norwood to grant an additional license

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for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4982) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the city of New Bedford to grant eighteen additional licenses for the sale of wine and malt beverages to be drunk on the premises (House, No. 4994) [Local Approval Received].

By Mr. Bradley of Hingham, for the committee on Election Laws, on a petition, a Bill for a special law regarding the designation of polling places in the city of Boston (House, No. 4983) [Local Approval Received].

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a recommitted petition, a Bill relative to the charter of the town of Ashland (House, No. 4790) [Local Approval Received].

By Mr. Binienda of Worcester, for the committee on Revenue, on a recommitted petition, a Bill authorizing the town of Hull to designate a check off on its tax bills (House, No. 4842) [Local Approval Received].

By the same member, for the same committee, on a recommitted petition, a Bill establishing a Raynham development revolving fund (House, No. 4849) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

The engrossed Bill relative to confined space rescue services (see House, No. 2374) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Relative to issuing licenses to carry firearms to law enforcement officers (see House, No. 2285);

Relative to certain roads on Nantucket Island (see House, No. 4056);

Relative to the terms of certain bonds of the city of Revere to be issued to finance the construction of the city of Revere new police headquarters and east fire station (see House, No. 4555);

Relative to nursing home transfers and discharges (see House, No. 4721); and

Providing employees at state colleges, universities and community colleges holding special state police officer powers with line of duty death benefits (see House, No. 4933);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Lois Tobin, an employee of the Department of Mental Retardation (see Senate, No. 2678), having been certified by the Clerk to be

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rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 7 to 0. Sent to the Senate for concurrence.

The engrossed Bill establishing a sick leave bank for David S. Vitale, an employee of the Trial Court (see Senate, No. 2710, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

The engrossed Bill designating Mitochondrial Disease Awareness Week (see House, No. 3246), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

The engrossed Bill establishing a sick leave bank for Sharon Easter, an employee of the Department of Correction (see House, No. 4209, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

Recess.

At sixteen minutes after eleven o'clock A.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at a quarter after one o'clock the House was called to order with Mr. Donato in the Chair.

Orders of the Day.

The House Bill to providing for the merger at Turner Falls Fire District and the Lake Pleasant Water Supply District (House, No. 4417), reported by the committee on Bill in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Kulik of Worthington moved to amend it by substitution of a bill with the same title (House, No. 5020), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

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The Senate Bill relative to harbormaster training certification (Senate, No. 509, changed and amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills

Authorizing the Springfield water and sewer commission to convey a certain parcel of land in the town of Blandford (House, No. 4062);

Authorizing the Commissioner of Capital Asset Management and Maintenance to grant easements in the city of Somerville (House, No. 4781);

Relative to the registration of podiatrists (House, No. 4785);

Authorizing the Department of Conservation and Recreation to enter in to a certain lease (House, No. 5008);

Authorizing the Commissioner of Capital Asset Management and Maintenance to lease certain property in the town of Great Barrington (House, No. 5010); and

Relative to the leasing of certain land in the city of Waltham (House, No. 5015);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill authorizing the town of Carver to appoint new members to the conservation commission (House, No. 1938) was read a third time.

The committee on Bills in the Third Reading reported recommending to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

"Notwithstanding section 8C of chapter 40 of the General Laws or any other general or special law to the contrary, the town of Carver may appoint 2 associate members to the conservation commission of the town for terms not to exceed 1 year. The chairman of the commission may designate an associate member to sit on the commission in the case of absence, inability to act or conflict of interest on the part of a member of the commission or in the event of a vacancy on the commission, until the vacancy is filled in accordance with said section 8C of said chapter 40."

The amendment was adopted; and the bill (House, No. 1938, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Relative to savings bank life insurance (see House, No. 949);

Relative to preventing discrimination against certain health care providers (see House, No. 1083);

Relative to the Massachusetts Credit Union Share Insurance Corporation (see House, No. 1090, changed);

Relative to antique cars (see House, No. 2417);

Designating state highway Route 116 in certain towns as a scenic (see House, No. 3550);

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Designating a certain street in the city of Boston as Reverend Paul A. Phinn Way (see House, No. 3620);

Relative to disability placards (see printed in House, No. 4220);

Authorizing the town of Sudbury to use certain insurance or recovery proceeds (see House, No. 4835); and

Designating a certain bridge in the town of Grafton as the Private Walter Ermak Bridge (see House, No. 4919);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

At five minutes before two o'clock P.M., on motion of Ms. Malia of Boston (Mr. Donato of Medford being in the Chair), the House recessed until the hour of three o'clock; and at twenty-five minutes before four o'clock the House was called to order with Mr. Donato in the Chair.

Papers from the Senate.

The House Bill relative to equality in the MassHealth program (House, No. 4107) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2823

Under suspension of Rule 35, on motion of Ms. Malia of Boston, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The House Bill authorizing the town of West Boylston to convey certain open space land (House, No. 4120) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 4 (as changed by the Senate committee on Bills in the Third Reading), by striking out the following: "for the consideration of \$1,500", in line 5, (as printed), by inserting after the word "determine" the words ", including the express purpose for the conveyance and restrictions on future use"; and by adding at the end thereof the following two sections:

"SECTION 2. The consideration for the parcel described in section 1 shall be the fair market value of the parcel or the market value of its proposed use, whichever is greater, to be determined by 1 or more independent appraisals. The cost of the appraisals shall be assumed by the Fay Brothers Funeral Home. The town of West Boylston shall apply proceeds thereof for conservation and recreation purposes.

SECTION 3. No deed conveying the parcel of land as authorized in section 1 shall be valid if the board of selectmen have included future use restrictions as a term of purchase as provided in section 1 unless the deed contains a reversionary clause that stipulates that the property shall revert to the town of West Boylston for open space purposes if the property ceases to be used for the express purpose for which it was transferred."

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Under suspension of Rule 35, on motion of Mr. O'Day of West Boylston, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Order.

On motion of Mr. DiMasi of Boston,--

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

At twenty minutes before four o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.